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SIPDIS

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SUBJECT: VIETNAM: MEETING WITH JUSTICE MINISTRY ON
ADOPTIONS

REF: A) Diplomatic Note, Vann-Savage email June 19th, 2003,

B) draft Protocol, Vann-Savage email June 19th, 2003, C)
State 177624 and previous

1.(U) Summary. Consul delivered the diplomatic note and revised protocol (refs A and B) to Ministry of Justice (MOJ) official on July 1. The official noted that the relevant section in MOJ that handles adoptions is reorganizing. It is possible that this reorganization will cause delays and backtracking. End Summary.

DIPNOTE

12. (U) Consul delivered the Embassy's diplomatic note (ref A) and the revised "Protocol" on adoptions (ref B) to Mr. Binh, Vice Director of the International Cooperation of MOJ on July 1, 2003. She expressed the USG's hope to move forward carefully, but as quickly as possible to reach concurrence on a document that will protect the interests of the children and adoptive parents alike.

13. (U) In turning over the diplomatic note, Consul briefly highlighted the reasons why the USG is required to work towards some form of document other than an "agreement." She requested confirmation in writing from the MOJ that a document other than a bilateral agreement will be acceptable. She also stated that the diplomatic note verifies the authority of employees of the US Embassy and Consulate to negotiate this document with the guidance of the Ambassador and certain offices of the USG. In addition, Consul encouraged the GVN to accede to the Hague Convention on International Adoptions.

NEW DRAFT PROTOCOL

14. (U) At the same meeting Consul delivered the new draft (ref B) noting its new title ("protocol") and more formal format. She also told Binh about the extensive references to US and GVN laws which confirm the legal authority of this document and that it will be fully acceptable throughout the USG.

REACTION

15. (U) Binh said that he would study the documents with the relevant authorities from other ministries, and respond. Binh welcomed the diplomatic note and the suggestion of a new title and format for the document. He also agreed that the best way to negotiate is with Embassy officials. As reported earlier, he confirmed that negotiations are carried out at the expert level (first round), government level (designated by the Prime Minister), and state level (designated by the President). Acquiring GVN designation for the government and state level rounds is a lengthy process. According to Binh, the most critical negotiation is the first negotiation at the expert level, and he is hopeful that negotiations can be completed in this round.

16. (U) Binh promised that the relevant authorities would study the Protocol at earliest time possible, but he noted that due to an ongoing reorganization at MOJ, getting attention to the document might take a bit longer than usual.

REORGANIZING AT MOJ

17. (U) During the meeting, Binh described the ongoing reorganization of the international adoptions function at MOJ. He stated that his Department, International Cooperation, would be divided into 3 bureaus - International Relations, International Law, and a Bureau for International Adoptions, according to Decree 62, which was issued approximately two weeks ago. (A copy will be provided separately.) This decree will be effective as of July 12, 2003. He noted that the reorganization is still unclear and MOJ will have to issue decisions stipulating the structures,

rights and responsibilities of these new offices. The Bureau of International Adoptions will be responsible for negotiating and signing adoption `agreements'. Until July 12th, Binh will remain responsible for adoptions negotiations. Binh thinks that because thus far he has only worked as a negotiation team leader, he may not be assigned to the new Bureau. He does believe that even if not assigned permanently, he will be asked to serve as an advisor and consultant for the Bureau during its first days. Binh stated that although the structure of MOJ is changing, work continues.

COMMENT

18. (U) Comment. This reorganization may cause delays and backtracking, particularly if written confirmation of GVN willingness to proceed on a document that is not an "agreement" is not received by the July 12th changeover date. A worst-case scenario would be that we have to start over again at square one. The GVN is known to change its mind from day-to-day with the only rationale being, `that was yesterday, this is today'. Until a decision is confirmed in writing, it cannot be taken as a certainty. Delays will certainly occur as new staff are identified and get up to speed. Mission intends to update adoptions information on our websites to reflect the likelihood of increased delays before any potential protocol can be signed with the GVN. End comment.
BURGHARDT